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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

JOINT DISCOVERY STATUS REPORT

Pursuant to the Court's April 1, 2013 Case Management Order (Dkt. 380), the parties submit this joint discovery status report.

I. Status of Discovery

No depositions have taken place since the April 19, 2013 Joint Discovery Status Report. The deposition of Sheryl Sandberg (formerly of Google) remains outstanding.

1 **II. Salary Range and/or Market Reference Guideline**

2 The parties report the following updates to last week's Joint Discovery Status Report:

3 **Apple:** On April 19, 2013, in response to further inquiry by Plaintiffs regarding how
4 certain salary range documents identified by Apple might be used to determine which range
5 applied to which job titles or positions for each year in the Class Period, Apple wrote Plaintiffs a
6 letter asserting that its recommended salary ranges can be linked to a field in the actual employee
7 compensation data Apple had previously produced. With this piece of information, Plaintiffs
8 extrapolated from Apple's previously-produced data what appears to be a workable summary of
9 which salary ranges applied to which Apple job titles for each year in the Class Period and which
10 Apple job titles were covered by which Apple salary ranges for each year in the Class Period.
11 With this exercise complete, Plaintiffs contacted Apple today to request that Apple confirm the
12 accuracy of tables of job title and job grade data that Plaintiffs have prepared. Apple and
13 Plaintiffs are discussing this request.

14 **Intel:** The Joint Discovery Status Report filed by the parties on April 19, 2013 stated that
15 Intel had agreed to work with Plaintiffs to resolve issues Plaintiffs had raised regarding the
16 sufficiency of its production of compensation materials. This week, Intel similarly provided
17 Plaintiffs with information allowing Plaintiffs to extrapolate from Intel's previously-produced
18 data what appears to be a workable summary of which salary ranges applied to which Intel job
19 titles for each year in the Class Period and which Intel job titles were covered by which Intel
20 salary ranges for each year in the Class Period. With this exercise complete, Plaintiffs contacted
21 Intel today to request that Intel confirm the accuracy of tables of job title and job grade data
22 Plaintiffs have prepared. Intel is considering Plaintiffs' request.

23 **Lucasfilm:** After the parties met and conferred, Lucasfilm informed Plaintiffs today that it
24 was working to determine if Lucasfilm can compile certain information Plaintiffs have requested,
25 which would satisfy Plaintiffs. The parties agreed that Lucasfilm would advise Plaintiffs by 5:00
26 p.m. on Tuesday, April 30 as to the feasibility of compiling this information.

1 **Pixar:** Plaintiffs and Pixar have concluded their meet and confer process as to the
2 production of documents related to salary and/or market pay ranges. There are no outstanding
3 discovery disputes or issues to be decided.

4 **III. Steve Jobs Apple Town Hall Materials**

5 Since the last Joint Discovery Status Report, Plaintiffs followed up with Apple regarding
6 video or audio recordings of the Apple town hall meetings for which it had previously produced
7 transcripts. Apple has agreed to conduct a diligent search for any such video and/or audio
8 recordings and produce them to Plaintiffs as soon as practicable.

9 **IV. Plaintiffs' Responses To Interrogatories 15 & 16**

10 Before the close of discovery, Defendants served Interrogatories 15 and 16, which among
11 other things ask Plaintiffs to identify the precise agreements they are challenging and basic
12 information about them including time periods, terms, persons making the agreements, and the
13 parties to them. These interrogatories are not related to any Defendants' internal compensation
14 practices. Plaintiffs agreed to answer the interrogatories, but asked for more time because
15 discovery was ongoing, including deposition and document production. Defendants granted
16 Plaintiffs' request for an extension to respond.

17 On April 12, 2013, Plaintiffs provided a partial response to Interrogatory 15, explaining
18 that the response was being made "prematurely, before discovery is complete and before all
19 documents, testimony, and evidence produced to date are able to be fully incorporated," and that
20 the response "reflects discovery through March 1, 2013." In accordance with an agreement
21 between the parties, Plaintiffs have not provided a response to Interrogatory 16 and have asked
22 Defendants for more time to answer.

23 With fact discovery now closed, Defendants believe that Plaintiffs should now provide
24 complete responses to Interrogatories 15 and 16.

25 In March 2013 alone, Plaintiffs received hundreds of thousands of new documents and
26 took dozens of depositions, and even now, Plaintiffs continue to receive basic discovery from
27 Defendants about their compensation structures. Plaintiffs are more than willing to meet any
28 appropriate deadline on supplemental interrogatory responses, but believe that to date the request

1 for contention interrogatory responses has been premature. Setting all of that aside, Plaintiffs are
 2 currently very busy preparing their Supplemental Class Certification papers and would request
 3 that contention interrogatory responses follow the conclusion of that process.

4
 5 Respectfully submitted,

6 Dated: April 26, 2013

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8 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in
9 the filing of this document has been obtained from all signatories.
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